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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,343	01/21/2004	Tsai-Yun Yu	YUTS3016/EM	2777

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EXAMINER

NELSON JR, MILTON

ART UNIT PAPER NUMBER

3636

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,343

Applicant(s)

YU, TSAI-YUN

Examiner

Milton Nelson, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-8, 10-14 is/are rejected.
- 7) ☒ Claim(s) 6 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4, 5, 7 and 11-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The dependent claims 4, 5, 7, 11 and 14 set forth the shock-absorbing member as including thermoplastic urethane. Such appears to contradict the independent claims, which set forth the shock-absorbing member as non plastic. Clarification is required. The independent claim 12 includes reference to "at least one retainer" filling up the body opening. It cannot be ascertained from the written description what is represented by the "retainer". The specification sets forth members 42, 44, and

46 as retainers, however it is unclear from the specification and the showing in

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Figure 2 what these members represent. Dependent claims 13 and 14 depend from indefinite claim 12 and are therefore indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigolin (2003/0164629) in view of France (2626756). Bigolin shows all claimed features of the instant invention with the exception of the shock-absorbing member being made of non plastic composite materials having a hardness lower than that of the body. In Bigolin, note the body (2), a layer (8) of plastic composite material (epoxy resin), opening (11), shock-absorbing member (9), fiber-reinforced plastic (see paragraph 0034) prepreg (see paragraph 0046), thermosetting resin (see paragraph 0046), and carbon fiber-reinforced plastic (see paragraph 0034) prepreg.

France (2626756) teaches the concept of configuring a shock-absorbing member as made of non plastic composite materials (note the recitation "from plastic foam or another flexible composite material"). Note that this feature is a cushion. As such, this would necessarily have a hardness that is lower than that

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It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify Bigolin in view of the teachings of France (2626756) by replacing the shock absorbing member with one that is made of non plastic composite materials having a hardness lower than that of the body. Such enhances user comfort, stability and support.

Claims 12 and 13, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigolin (2003/0164629) in view of France (2626756). Bigolin shows all claimed features of the instant invention with the exception of the shock-absorbing member being made of non plastic composite materials having a hardness lower than that of the body. In Bigolin, note the body (2), a layer (8) of plastic composite material (epoxy resin), opening (11), shock-absorbing member (9), retainer (surface area of 9), fiber-reinforced plastic (see paragraph 0034) prepreg (see paragraph 0046), and carbon fiber-reinforced plastic (see paragraph 0034) prepreg.

France (2626756) teaches the concept of configuring a shock-absorbing member as made of non plastic composite materials (note the recitation "from plastic foam or another flexible composite material"). Note that this feature is a cushion. As such, this would necessarily have a hardness that is lower than that of the rigid body of Bigolin.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify Bigolin in view of the teachings of France (2626756) by replacing the shock absorbing member with one that is

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made of non plastic composite materials having a hardness lower than that of the body. Such enhances user comfort, stability and support.

Allowable Subject Matter

Claims 6 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment/Arguments

Applicant's response has been fully considered. Remaining issues are described in the above sections. Reconsideration of the prior art of record, and consideration of newly discovered prior art has necessitated a new grounds of rejection.

Prior art has not been applied against claims 4, 5, 7, 11, and 14, however note the rejections under 35 USC 112.

Conclusion

This office action has not been made final since it includes a new grounds of rejection not necessitated by Applicant's amendment.

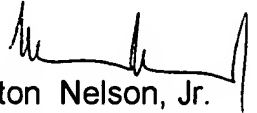
Any inquiry concerning this communication or earlier communications from

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7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
November 28, 2004